

Docket No. 740819-000574
Serial No. 09/892,703
Page 7

REMARKS

By way of the present response, claims 8 and 9 are amended in accordance with suggestions provided by Examiner El-Hady during the March 1, 2006 personal interview, to more clearly define the invention, and new claims 10 and 11 are added in order to better define that which Applicants regard as the invention. Claims 1-6 and 8-11 currently are pending.

Before proceeding with an analysis of the pending rejections, the undersigned notes with appreciation the courtesies extended by Examiners Rafai and El-Hady during the interview conducted on March 1, 2006, at the USPTO. In the interview, the undersigned pointed out areas in the original disclosure that support the features of claims 1-3, which are rejected under 35 U.S.C. § 112, first paragraph. As indicated in the interview summary dated March 1, 2006 (paper no. 20060301), the Examiners agreed to withdraw the rejection of claims 1-3 based on Section 112, first paragraph.

Additionally, the undersigned asserted that the arguments presented in the Amendment After Final Rejection dated September 6, 2005, are not "moot," as asserted on page 2 of the action, because the same reference, Fujiwara et al., is relied upon. The Examiner was requested to answer these arguments in the next communication to Applicants. Also, a second request was made to the Examiner to formally withdraw that the prior examiner's statements regarding the Gotou, Aratow and Phelen references in section 2 of the action dated June 3, 2005, for reasons stated on page 7 of Applicants' September 6, 2005, response. Examiner Rafai indicated he could not withdraw the statements because another examiner had made them. However, Applicants reiterate that the comments in section 2 of the action dated June 3, 2005, are inappropriate and improper absent a rejection based on the cited Gotou, Aratow and Phelen references. Applicants again request the Examiner to formally withdraw the former examiner's statements.

Also during the interview, the undersigned and Examiner discussed the rejection of claims 1-6 and 8-9 under 35 U.S.C. § 103, as allegedly being unpatentable over the Fujiwara et al. publication. In particular, the undersigned asserted that the Fujiwara et al. reference fails to disclose a server that comprises pieces of map selection data, that the server sends the map selection data to the in-vehicle unit, and that the in-vehicle unit selects a map based on the map selection data sent from the server, as recited in independent claim 8, and likewise the claimed subject matter with respect to a computer, as recited in claim 9, and an in-vehicle

Docket No. 740819-000574
Serial No. 09/892,703
Page 8

unit and a computer, as set forth in claims 1-3.

The Examiner disagreed, and referred to the description in lines 8-13 of paragraph 0050, and lines 1-4 of paragraph 0074, of the Fujiwara et al. publication. With respect to these cited parts of Fujiwara et al., the Examiner asserted that the information offering equipment provides information pertaining to locations on the map and that the information offering equipment can set the size or scale of the map display.

It is respectfully submitted, however, that the "size" setting discussed in paragraph 0074 of Fujiwara et al. does not involve map scale, but instead involves the size of a "retrieve neighborhood." According to Fujiwara et al., a retrieve neighborhood is an area about either a current position of a user, one or more past positions, or a position designated by the user, as shown in Figures 11-13. Contrary to the Examiner's assertions, the description in Fujiwara et al. relied upon does not disclose, imply or suggest any scaling of the map display. Rather, a "size of a neighborhood," as disclosed in Fujiwara et al., at best, appears to describe the size of an area about a current position on the map, a designated point on the map, or some point stored in memory. For example, a size of the shaded areas shown in Figures 11-13 might be designated to have larger or smaller radii, and information concerning only those areas would be retrieved, but map size or scale would remain the same.

With respect to map scale, paragraph 0068 of Fujiwara et al. discloses, "[t]he map display means 54 sends a command to display a designated object for the map data read out, with a designated contraction scale, in a state keeping a designated direction to an upper direction of the display unit 11, to a graphics processing means 59." Moreover, as pointed out in Applicants' response of September 6, 2005, Fujiwara et al. mentions in paragraph [0083], lines 8-16 that the in-vehicle unit determines the reduction scale of a map, which is directly contrary to that which is presently set forth by Applicants' claimed invention. By contrast, the in-vehicle unit (and/or the computer) of the present invention does not determine the scale of a map because the map selection data is transmitted from the server to specify a map to be displayed on the in-vehicle unit and/or the computer.

For at least these reasons, and the reasons advanced in the September 6, 2005, response, it is respectfully submitted that the Fujiwara et al. publication does not teach or suggest a server that comprises pieces of map selection data, that the server sends the map selection data to the in-vehicle unit, and that the in-vehicle unit selects a map based on the map selection data sent from the server, as recited in Applicant's independent claim 8. For

Docket No. 740819-000574
Serial No. 09/892,703
Page 9

analogous reasons, Fujiwara et al. also fails to teach or suggest similar features recited in claim 9 in connection with a server and a computer, and in claims 1-3 in the context of a server and an in-vehicle unit and a computer.

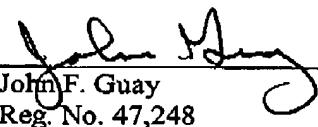
Each of claims 4-6 likewise recite subject matter that distinguishes over the teachings of Fujiwara et al. Specifically, in rejecting Applicants' claimed invention, the Examiner states that despite the fact that the claims recite a term plug-in, this claim does not distinguish over Fujiwara et al. because "plug-in" is a known and arbitrary used in place of module software. In this regard, it is respectfully submitted that Applicants' claimed invention, as recited in each of claims 4-6, distinguish over the teachings of Fujiwara et al. in that each of these claims recite that the map selection data is transmitted from the server to specify a map to be displayed on the in-vehicle unit or the computer. Consequently, the server transmits the map selection data to the in-vehicle unit or the computer and the in-vehicle unit or the computer select a map based on the map selection data, and add display information on the selected map. As pointed out above, the publication of Fujiwara et al. discloses that the in-vehicle unit determines the reduction scale of the map, which is contrary to that which is presently set forth by Applicants' claimed invention. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in each of independent claims 4-6 clearly distinguishes over the teachings of Fujiwara et al. As such, the rejection of claims 4-6 should be withdrawn.

New claims 10 and 11 respectively depend from claims 8 and 9, and are therefore allowable over the applied art for at least the reasons pointed out above, and further for the additional features recited.

Docket No. 740819-000574
Serial No. 09/892,703
Page 10

Based the foregoing, and the unanswered arguments presented in Applicants' response of September 6, 2005, it is respectfully requested that the Examiner reconsider and withdraw the rejections of the claims, and that the application be allowed and passed to issue.

Respectfully submitted,


John F. Guay
Reg. No. 47,248

Nixon Peabody LLP
401 9th Street N.W.
Suite 900
Washington, D. C. 20004
(202) 585-8000

W71637L1

PAGE 13/13 * RCVD AT 4/5/2006 11:21:48 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/10 * DNIS:2738300 * CSID:866 741 0075 * DURATION (mm:ss):04:00